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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,164

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Kevin J. Knight

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7590

12/22/2010

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EXAMINER

COULTER, KENNETH R

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

12/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/054,164	Applicant(s) KNIGHT, KEVIN J.	
	Examiner Kenneth R. Coulter	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65,68-73,76-80,83-85,88-90,93-95,98,99,182,184-247,249,250,252-325 and 328-338 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 65,68-73,76-80,83-85,88-90,93-95,98,99,182,184-247,249,250,252-325 and 328-338.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 65, 68 – 73, 76 – 80, 83 – 85, 88 – 90, 93 – 95, 98, 99, 182, 184 – 247, 249, 250, 252 – 325, and 328 – 338 are rejected under 35 U.S.C. 102(e) as being anticipated by Gever et al. (U.S. Pat. No. 6,331,861) (Programmable Computer Graphic Objects).

1.1 Regarding claim 65, Gever discloses a method for generating a composite image including:

presenting a first image via a Web interface presented on a browser, the first image being an image of a product (Figs. 4, 7; col. 18, line 59 – col. 19, line 3 “Surface details are defined so as to **enable the user to edit** the colors, shapes, textures and other surface features that are mapped onto 3D objects 86 ... Surface details 94 may

further include a **logo, for example, text or an insignia, to be displayed on the shirt** of a character rendered on screen 52.”);

presenting a second image via a Web interface presented on the browser, the second image being a decorative image selected from a group consisting of a logo image and a text image (Figs. 4, 7; col. 18, line 59 – col. 19, line 3 “logo”);

communicating a selection of the first image and the second image to a server via a network (Figs. 4, 7; col. 18, line 59 – col. 19, line 3);

automatically generating a composite image of the first image and the second image at the server (Figs. 4, 7; col. 18, line 59 – col. 19, line 3); and

communicating the composite image from the server to the browser via the network (Figs. 4, 7; col. 18, line 59 – col. 19, line 3).

1.2 Per claim 68, Gever teaches that the composite image includes the second image placed in a default position on the first image (Figs. 17A, 17B; col. 30, lines 35 – 49).

1.3 Regarding claim 69, Gever discloses:

positioning the second image relative to the first image via a Web interface presented on the browser to generate relative positioning information (col. 18, line 59 – col. 19, line 3; col. 21, lines 48 – 58);

communicating the relative positioning information to the server via the network (Figs. 1, 4; col. 18, line 59 – col. 19, line 3); and

automatically generating the composite image of the first image and the second image at the server according to the relative positioning information (col. 18, line 59 – col. 19, line 3; col. 21, lines 48 – 58; col. 3, lines 56 – 60).

1.4 Per claim 70, Gever teaches that the composite image is associated with information in a database, the associated information in the database being communicated together with the composite image from the server to the browser via the network as a photo sample (Figs. 1, 4; col. 3, lines 56 – 60; col. 18, line 59 – col. 19, line 3; col. 21, lines 48 – 58).

1.5 Regarding claims 71 and 72, Gever discloses that the photo sample is sent via network to a specified email address (col. 4, lines 1 – 3 “the set of parameters and/or data is encapsulated and transferred in the form of an electronic mail message”; col. 8, line 66 – col. 9, line 5; col. 30, lines 5 – 25); or teach a URL, containing the photo sample that is sent via network to a specified email address (Fig. 16; col. 4, lines 1 – 3; col. 8, line 66 – col. 9, line 5; col. 30, lines 5 – 25 “Server 246 transmits a **URL reference** to the HTML document, as is known in the art, in the form of an **electronic mail message** over network 236 to recipient 254.”).

1.6 Regarding claims 73, 76 – 80, 83 – 85, 88 – 90, 93 – 95, 98, 99, 182, 184 – 247, 249, 250, 252 – 325, and 328 – 338, the rejection of claims 65 and 68 – 72 under 35 USC 102(e) (paragraphs 1.1 – 1.5 above) applies fully.

In addition Gever discloses normalizing dimensions of images (col. 19, lines 46 – 58).

Also, Gever teaches two separate memory storage areas (libraries) for storage of the superimposed data (col. 12, line 62 – col. 13, line 10 “library of images”; col. 18, line 59 – col. 19, line 3; col. 21, lines 48 – 58).

In addition, Gever discloses first and second parameters that define particular colors for first and second images (Figs. 4, 17B; col. 18, line 59 – col. 19, line 3 “Surface details 94 are defined so as to enable the user to **edit the colors**, ...”).

Response to Arguments

Applicant's arguments with respect to claims 65, 68 – 73, 76 – 80, 83 – 85, 88 – 90, 93 – 95, 98, 99, 182, 184 – 247, 249, 250, 252 – 325, and 328 – 338 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell can be reached on 571 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2445

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Coulter/
Primary Examiner, Art Unit 2445

/KRC/